

SUBJECT: APPEAL OF MINOR DESIGN REVIEW ZA-03-93

983 GROVE PLACE

DATE: FEBRUARY 26, 2004

FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER

714.754.5640

#### DESCRIPTION

The applicant is appealing the Zoning Administrator's denial of ZA-03-93, a minor design review to allow the construction of a new, two-story, single-family residence.

#### **APPLICANT**

The property owner, Victor Schubert, appealed the Zoning Administrator's denial.

#### RECOMMENDATION

Uphold the Zoning Administrator's denial.

HANH TRAN

Assistant Planner

PERRY L. VALANTINE

Asst. Development Services Director

ITEM NUMBER:

#### **PLANNING APPLICATION SUMMARY**

Location: _	983 Grove Place	Applic	cation:	ZA-03-93
Request: _	Minor Design Review for co	nstruction (	of a new two-st	ory residence.
SUBJECT PROPE	ERTY:	SURROU	NDING PROPER	<u>ΓΥ:</u>
Zone:	R1	North:	R1, Single-fan	nily residences
General Plan:	Low Density Residential	South:	I&R, Canyon I	Park
Lot Dimensions:	66 ft. by 120 ft.	East:	R1, Single-fan	nily residences
Lot Area:	7,920 sq.ft.	West:	R1, Single-fan	nily residences
Existing Develop	ment: <u>1,240 sq.ft. one</u> two-car garage.	e-story, sin	gle-family resid	епсе with a <u>440 sq.ft. detached</u> ,

#### **DEVELOPMENT STANDARD COMPARISON**

Development Standard

#### Code Requirement

Proposed/Provided

Din	<del></del>	·
Density:	4.1.0.000 - 4.5	1 47 020 #
Zone	1du:6,000 sq.ft.	1 du:7,920 sq.ft.
General Plan	1 du:5,445 sq.ft.	1 du:7,920 sq.ft.
Lot Size:	6,000 sq.ft.	7,920 sq.ft.
Building Coverage:	<u></u>	
Buildings		25% (2,000 sq.ft.)
Paving		17% (1,334 sq.ft.)
Open Space	40% (3,168 sq.ft.)	58% (4,586 sq.ft.)
TOTAL		100% (7,920 sq.ft.)
Building Height:	2 stories/27 ft.	2 stories/25.5 ft.
Chimney	29 ft.	27.5 ft.
Ratio of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor*	80% x 1,600 1st floor = 1,280 sq.ft.	99% (1,5 <u>76 sq.ft.)**</u>
Setback	·	
Front	20 ft.	20 ft.
Separation from garage	6 ft.	2 <u>8 ft.</u>
Side (left/right) - 1st story	5 ft./5 ft.	10 ft./10 ft.
Side (left/right) - 2 <sup>nd</sup> story*	10 ft. average/10ft. average	10 ft./10 ft.
Rear – 1st floor	10 ft.	51 ft.
Rear - 2 <sup>nd</sup> floor	20 ft.	51 ft.
Parking:	<del></del>	
Covered	2	2
Open	2	2
TOTAL	4	4
Driveway width:	10 ft.	10 ft.

<sup>\*</sup> Residential Design Guidelines

CEQA Status Exempt-Class 3

Final Action Planning Commission

<sup>\*\*</sup> Does not satisfy the Residential Design Guidelines

#### **BACKGROUND**

On February 5, 2004, the Zoning Administrator denied the applicant's requested minor design review to demolish the existing single-story residence and construct a new two-story house.

The Zoning Administrator found that the proposed two-story structure is too large, and the visual prominence of the structure would not be sufficiently reduced through appropriate transitions between the first and second floors. The resulting structure would have an overpowering appearance over the neighboring single-story residences and is incompatible with the surrounding neighborhood.

The applicant appealed the decision on February 12, 2004, requesting that the plans be approved as submitted.

#### **ANALYSIS**

#### Summary of Appeal

As stated in the attached appeal form, the applicant claimed that the project site is located in a redevelopment area and presented the following arguments:

- 1. That there are existing two-story homes in the neighborhood;
- 2. That the City's residential design guidelines calling out for an 80% second to first floor ratio was misplaced for the proposed design;
- That the project's denial was based on the size of the home; and
- 4. That the application would not have been made had the applicant known that staff would not support the project.

#### Staff's Response

The project site is not located within a redevelopment area.

The 2000 General Plan policies CD-7A.1 & CD-7A.2 are intended to promote and protect the unique identity of residential neighborhoods within the City. New and remodeled structures should preserve the scale and prevailing character of existing development in the immediate vicinity, and not have a substantial adverse impact on adjacent areas. In instances when the guidelines may yield an unsatisfactory design or the applicant may propose a design that meets the intent of the design guidelines but not the specific criteria, overriding consideration will be given to projects meeting the intent of the guidelines.

The prevailing character of the project's neighborhood is comprised of single-story homes with low-pitched roofs, built in the 1950's. Most of the two-story homes in the neighborhood have second floors over only a portion of the first story. The proposed construction has a second to first floor ratio of 99%, whereas the

residential guidelines suggest a maximum ratio of 80%. The project's second story would cover the entire first story, which is not compatible with other two-story homes in the immediate vicinity.

The large homes the applicant identified on pages 3, 4, and 6 of his appeal application are homes built prior to the adoption of the City's residential design guidelines and the design review process. The second story at 1010 W. 19<sup>th</sup> St. (shown on page 5 of the applicant's appeal application) was approved because the second story is built over only a portion of the first floor, not over the entire first floor, as the applicant proposes.

Although the proposed house is less than 3,200 sq. ft. with a 10-foot setback on both sides of the second floor, the first floor is proposed at the same 10-foot side setbacks. The design of the house, not the size, results in an appearance of a large building mass broken only by some window and roof treatments. Additionally, the front elevation of the proposed project may be architecturally pleasing, however, the side elevations contain limited architectural articulation.

The applicant stated that an application would not have been made had he known that it would be denied. Staff cannot determine the approval/denial of a project until the application is submitted and a thorough analysis has been completed. Upon receipt of the application, staff had met with the applicant on various occasions to discuss the design issues. The original plans requested a 5-foot side yard setback for both floors and provided no relief between the first and second story. Although the applicant had made numerous attempts to comply with Code and was able to provide an average 10-foot side yard setback for the second floor, the final submitted plans resulted in a 99% second to first floor ratio with the first floor being in line with the second floor. Consequently, the two-story building appears massive and imposing to the adjoining properties.

The Zoning Administrator determined that the project would have a substantial adverse impact on the surrounding properties and, therefore, denied the project.

#### ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

#### **ALTERNATIVES**

The Planning Commission has the following alternatives:

- Approve the project, as proposed by the applicant; or
- Deny the project. If the project is denied, the applicant would be unable to file a request for substantially the same development for six months.

#### CONCLUSION

The proposed structure satisfies applicable Zoning Code requirements; however, it does not satisfy all of the City's residential design guidelines. The Zoning Administrator found that the project does not meet specific criteria (project exceeds 80% second to first floor ratio) and does not satisfy the intent (preserve existing character of neighborhood) of the guidelines.

Attachments:

Draft Planning Commission Resolution Exhibit "A" - Draft Findings of Denial Exhibit "B" - Draft Conditions of Approval

Appeal form

Zoning Administrator's letter for ZA-03-93

Applicant's Description/Justification

Location/Zoning Map

Air Photo Plans

Neighbor's Objection

File Name: 030804ZA0393

Date: 2/25/04

Time: 8:30 am

cc: De

Deputy City Mgr. - Dev. Svcs. Director

Sr. Deputy City Attorney

City Engineer

Fire Protection Analyst

Staff (4) File (2)

Victor Schubert 485 E.18<sup>th</sup> Street Costa Mesa, CA 92627

Bob Wilson 485 E. 18<sup>th</sup> Street Costa Mesa, CA 92627

#### **RESOLUTION NO. PC-04-**

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING MINOR DESIGN REVIEW ZA-03-93

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Bob Wilson, authorized agent for Victor Schubert, with respect to the real property located at 983 Grove Place, requesting approval of a minor design review to allow construction of a new, two-story, single-family residence in the R1 zone; and

WHEREAS, the Zoning Administrator denied the request on February 5, 2004; and

WHEREAS, the property owner filed an appeal of the Zoning Administrator's decision on February 12, 2004; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 8, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Minor Design Review ZA-03-93 with respect to the property described above.

PASSED AND ADOPTED this 8th of March, 2004.

Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA		
	)s:	
COUNTY OF ORANGE	)	

I, Perry L. Valantine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on March 8, 2004, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa Planning Commission

#### **EXHIBIT "A"**

#### **FINDINGS**

- Α. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(a)(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. Specifically, the second to first floor ratio is 99%, whereas the residential design guidelines suggest a maximum of 80%. The first and second story walls are on the same plane, creating a massive building appearance with unbroken wall surfaces. The resulting structure is too large and out of scale with the prevailing character of development in the immediate vicinity. As a result, the proposed construction does not satisfy the intent of Code.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

#### **EXHIBIT "B"**

#### **CONDITIONS OF APPROVAL**

- The subject property's ultimate finished grade level may not be Ping. 1. filled/raised in excess of 30" above the finished grade of any If additional fill dirt is needed to provide abutting property. acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  - 2. The conditions of approval and ordinance or code provisions and special district requirements of Minor Design Review ZA-03-93 shall be printed on the face of the site plan.
  - The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final building inspection. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Eng. 4. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.

# CITY OF COSTA MESA P.O. BOX 1200 COSTA MESA, CALIFORNIA 92626 APPLICATION FOR APPEAL OR REHEARING

FEE: \$ 305.00

Applicant Name Mr. Victor	J. Schubert	· · · · · · · · · · · · · · · · · · ·
Address 983 Grove P	lace, Costa Mesa, CA 92627	
Phone 949-660-5000, ext.	205 Representing Owner	
Decision upon which appeal or rehe	aring is requested: (Give number of rezon	e, zone exception, ordinance, etc., if applicable, and the
date of the decision, if known.)	Rejection of zoning applica	thon ZA-03-93 over Residential
·	Design Guideline.	
<del></del>		Decision by:
Reason(s) for requesting appeal or		
	Please see attached six pag	e document.
<del></del>	·	
	· <del></del>	
	<del></del>	
	<u> </u>	<del></del>
		<u></u>
•		
Date: Feb. 12, 2004 Sign	ature:	

For Office Use Only — Do Not Write Below This Line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

8 March 04

#### Appeal of Zoning Application ZA-03-93 February 12, 2004

#### 1. Project Description

Zoning Application ZA-03-93 was rejected by letter dated February 5, 2004, based on the "Residential Design Guideline" section 3.2 which states:

"Second-story floor areas should not exceed 80% of the first-story floor area (including garage area, if attached)."

Additionally, the rejection letter states that:

"The resulting structure is too large and out of scale with the prevailing character of development in the immediate vicinity."

The project is in an area considered a redevelopment area by the City of Costa Mesa.

#### 2. Basis of Appeal

There are two points of appeal;

- (i) The resulting structure is consistent with the goal of redeveloping this area, the actual development in the area, and the Code Requirements.
- (ii) The formulistic application of the 80% guideline is misplaced for the design proposed.

#### 3. Argument

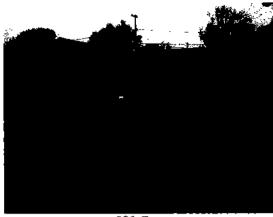
#### (i) The rejection based on the size of the home.

(A) To limit Applicant to a structure size consistent with the original structures is inconsistent with the purpose of a redevelopment area.

As noted in the February 5, 2004 rejection letter: "The majority of the homes in the immediate vicinity are single-story with low-pitched roofs." What is not noted is that these homes were largely built in the 1950's and are in a redevelopment area.

Examples of such single-story homes with low-pitched roofs, include the following:

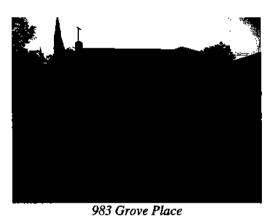




Corner of Linden and State

990 Grove

In fact, the current structure on the project site is exactly that type of structure:

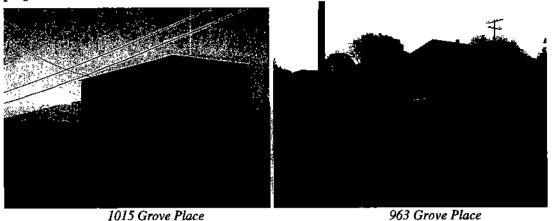


This area will not be redeveloped if it is held down to its original level. The proposed project is consistent with the redevelopment and will represent a substantial improvement over the original structures.

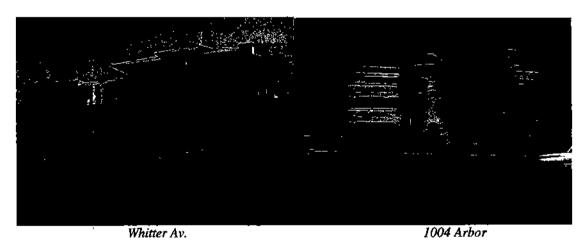
#### (B)The immediate vicinity has at least 3 homes with second stories.

While the rejection letter says that the "majority" of homes have a single story, there is a clear development pattern of larger homes. Especially along the perimeter of Canyon Park, which this property abuts.

Indeed, there are at least three homes on Applicants street which have second-stories. These are pictures of two of those two-story structures, within a few houses of the project:



Additionally, across the Canyon, Applicant's home faces these two properties:



These homes appear to be substantially larger than the one Applicant is proposing – the Arbor property even has a moat!

While the "majority" of homes are still single story, it is clear that larger structures have been, and are continuing to be, built.

#### (C) The Code would allow for a structure nearly twice the size of the proposed project

One purpose of this project is to provide a larger home for Applicant's family. The Municipal Code sets limits for the size that a home can be. Applicant has detrimentally relied on this Code in the design of the project.

The Municipal Code sets a size limit with its "Minimum Open Space" requirement; which requires 40% of the lot to be open space. The current plan has 58% open space.

The Municipal Code sets a size limit with its "Minimum Lot Size" requirement; the proposed project is on a lot nearly 2,000 feet larger than required by code.

Using these limits, and the 80% guideline, Applicant calculates that a home nearly 6,000 square feet could be built. The proposed project is ½ that size.

Had applicant known that this was a permissible rejection - that a 3,100 square foot home was "too large" - applicant would have not gone through the expense of even proposing a new structure.

### (ii) The formulistic application of the 80% guideline is misplaced for the design proposed.

The rejection letter contains quotes from the "Design Guidelines," yet it fails to note that the "Design Guidelines" also states:

"It is recognized that there will be instances when these guidelines may yield an unsatisfactory design or the applicant may propose a design that meets the intent of these design guidelines but not specific criteria."

No attempt was made by the City of Costa Mesa to identify that it even considered this point when rejecting the proposed design.

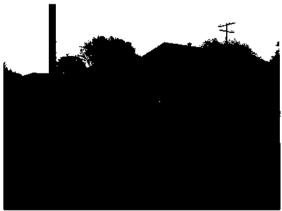
Both the Guidelines and the rejection letter note that this rule is intended to "...promote design excellence in new residential construction...." The 80% rule alone will not achieve the "design excellence" standard.

In fact, it is biased in favor of those who simply remodel a small portion of the existing structure, which can result in an overall visual impact that should not meet an overall standard of "design excellence".

Note the following homes in my neighborhood:



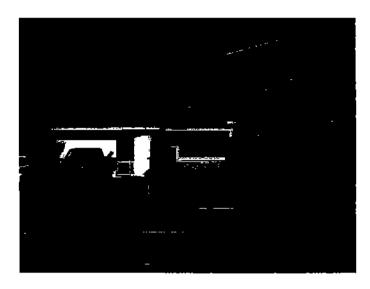
Corner of Republic & Grove Place



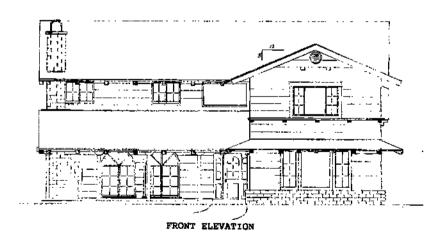
963 Grove Place

These homes conform to the 80% rule, but in Applicants view they are an example of where "...these guidelines may yield an unsatisfactory design..."

Compare the following home under construction – again, one that meets the 80% rule and apparently conforms to the "design excellence" standard - with a curb-view of the proposed project.



1010 W 19th Street



Proposed Project

In Applicant's opinion the proposed design  $\underline{\text{far exceeds}}$  any "design excellence" that will be embodied in the  $19^{\text{th}}$  street construction.

Care has been taken to assure that the curb-view of the project will be aesthetically pleasing. Compare the project with another "conforming" two- story structure:



2033 Republic

Again, Applicant contends that the proposed design will exceed the standard set by the this property, and many of the other properties discussed above, including Applicant's own existing home.

#### **Conclusion**

It is respectfully submitted that this home will improve the neighborhood and is appropriate not only for the neighborhood as it is now, but will encourage others to invest in this community.

Applicant requests the Commission to approve the plans as submitted.

#### ZA-03-93

#### 983 GROVE PLACE

February 4, 2004

Resident at 989 Grove Place has not seen plans for the proposed project at 983 Grove Place, yet opposes the project because she does not want a monster house next to her and she does not believe that the house matches with the neighborhood.

Hanh

#### **ZA-03-93 983 GROVE PLACE**

Mildred Nicholson called to say that, although she hasn't seen the plans, she doesn't want any second stories. She doesn't know why the house has to be that big (number of bedrooms, second story, etc.).

PLV January 27, 2004

#### LEE, MEL

From:

FLYNN, CLAIRE

Sent:

Monday, January 26, 2004 9:05 AM BOUWENS-KILLEEN, WILLA

To:

Cc: Subject:

LEE, MEL Minor Design Revew for Grove Place

the following message was received from a resident requesting that her verbal opposition to this project be included in the public record:

Mildred Nicholson 2063 Republic Avenue

She objects to: 1) putting a box on top of the house, 2) potential fire hazard of buildings be close together, 3) increased traffic from the home being used as a rental unit. She does not want her neighborhood to resemble Corona del Mar and wishes it to stay the way it is. She declined to submit any objections in writing.

Thanks. Claire L. Flynn, AICP Associate Planner

### CITY OF COSTA MESA



P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

February 5, 2004

Bob Wilson 485 E. 18<sup>th</sup> Street Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-03-93** 

983 GROVE PLACE, COSTA MESA

Dear Mr. Wilson:

The minor design review for the above-referenced property has been completed. The application has been denied, based on the following project description and findings:

#### PROJECT DESCRIPTION

The applicant proposes to demolish the existing single-story residence and construct a new two-story house. The existing driveway and detached two-car garage will remain. The majority of the homes in the immediate vicinity are single-story with low-pitched roofs. Second story additions have been made to some of the houses but they only cover a portion of the first floor.

The proposed construction has a second to first floor ratio of 99%, whereas the residential guidelines suggest a maximum ratio of 80%. Additionally, although a 10-foot setback is proposed for both sides of the second floor, the first floor is proposed at the same setbacks, resulting in a large building mass broken up only by windows and some roof treatments. Consequently, the proposed two-story house would be out of scale with the prevailing character of development in the immediate vicinity. As a result, the proposed project does not satisfy the intent of the residential design guidelines.

#### **FINDINGS**

A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design

excellence in new residential construction, with consideration being given to compatibility with the established residential community. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. Specifically, the second to first floor ratio is 99%, whereas the residential design guidelines suggest a maximum of 80%. The first and second story walls are on the same plane, creating a massive building appearance with unbroken wall surfaces. The resulting structure is too large and out of scale with the prevailing character of development in the immediate vicinity. As a result, the proposed construction does not satisfy the intent of Code.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

Upon receipt of this letter, your project has been denied. The decision will become final at 5 p.m. on February 12, 2004, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Hanh Tran, at (714) 754-5640, between 8 a.m. and 12 noon.

Sincerely,

PERRY L. VALANTINE

Zoning Administrator

cc: Engineering

Fire Protection Analyst

Water District Building Division

## PLANT IG DIVISION - CITY OF COS MESA <u>DESCRIPTION/JUSTIFICATION</u>

ZA-03-93.

Applica	
Addres	983 Grove Place
1)	Fully describe your request: 1, wish to build a new two  Story residence on my property. The proposed  Structure will have a 5' ft. setback on the West  Side yard. We will remove the existing house &  foundation and bring it up to grade.
2.	Justification
	A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantial compatible with uses permitted in the same general area and how the proposed use would not be material detrimental to other properties in the same area.  They area has many two story home presently, campa lible with our design.  5, 1003, 963, Grove Place. 2019, 2033, 2054, 2070, Republic 13 National, and 973 Oak. The structure will be on the cont part of the lot and will not replicit present U.  B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shap topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.
<b>3</b> ,	This project is: (check where appropriate)
	In a flood zone In the Redevelopment Area In a Specific Plan Area.
4	I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:
	Is not included in the publication indicated above.
	✓ Is included in the publication indicated above.
	Bot Q Welson 10/14/03
Signa	ure Date

March '96

983 Grove P1.

#### **Proposed Response Points**

#### Item 1

We would prefer to not cut out a piece of the back porch The house has been moved forward to allow enough room to move

#### Item 2

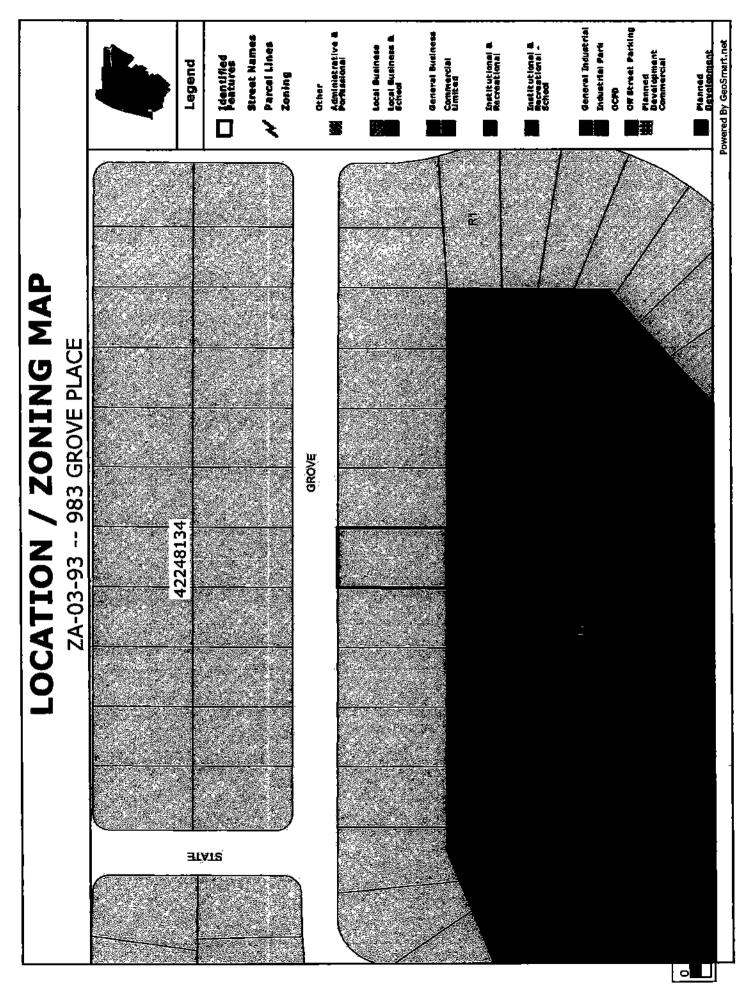
This has 2 points based on each of the paragraphs in the New Residential Design Guidelines, page 8, item 5.

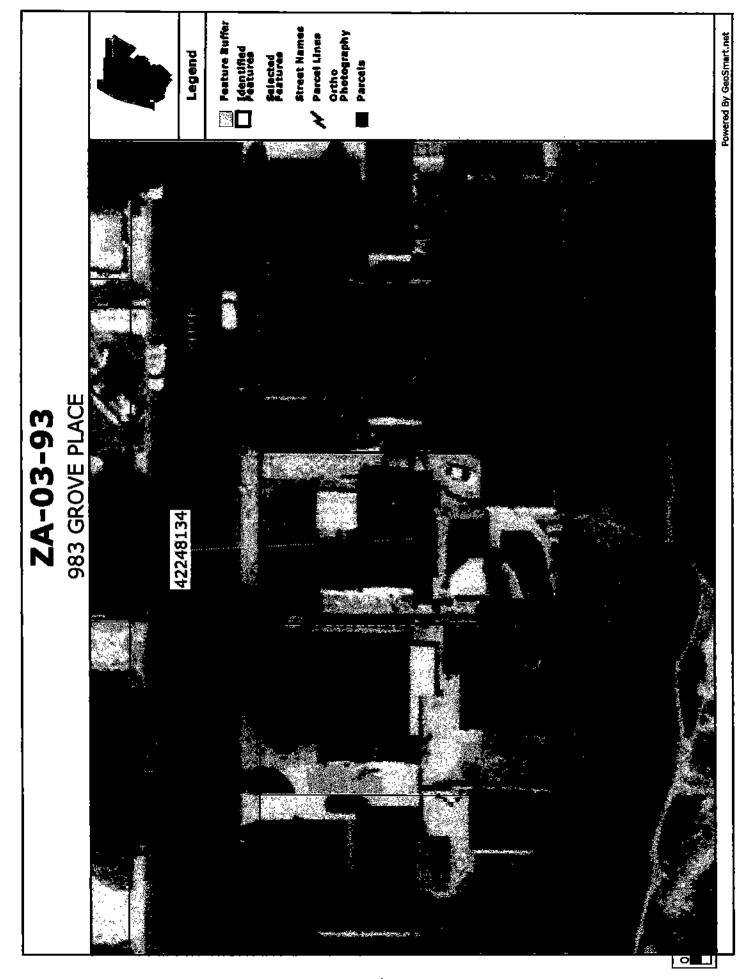
#### Paragraph 1

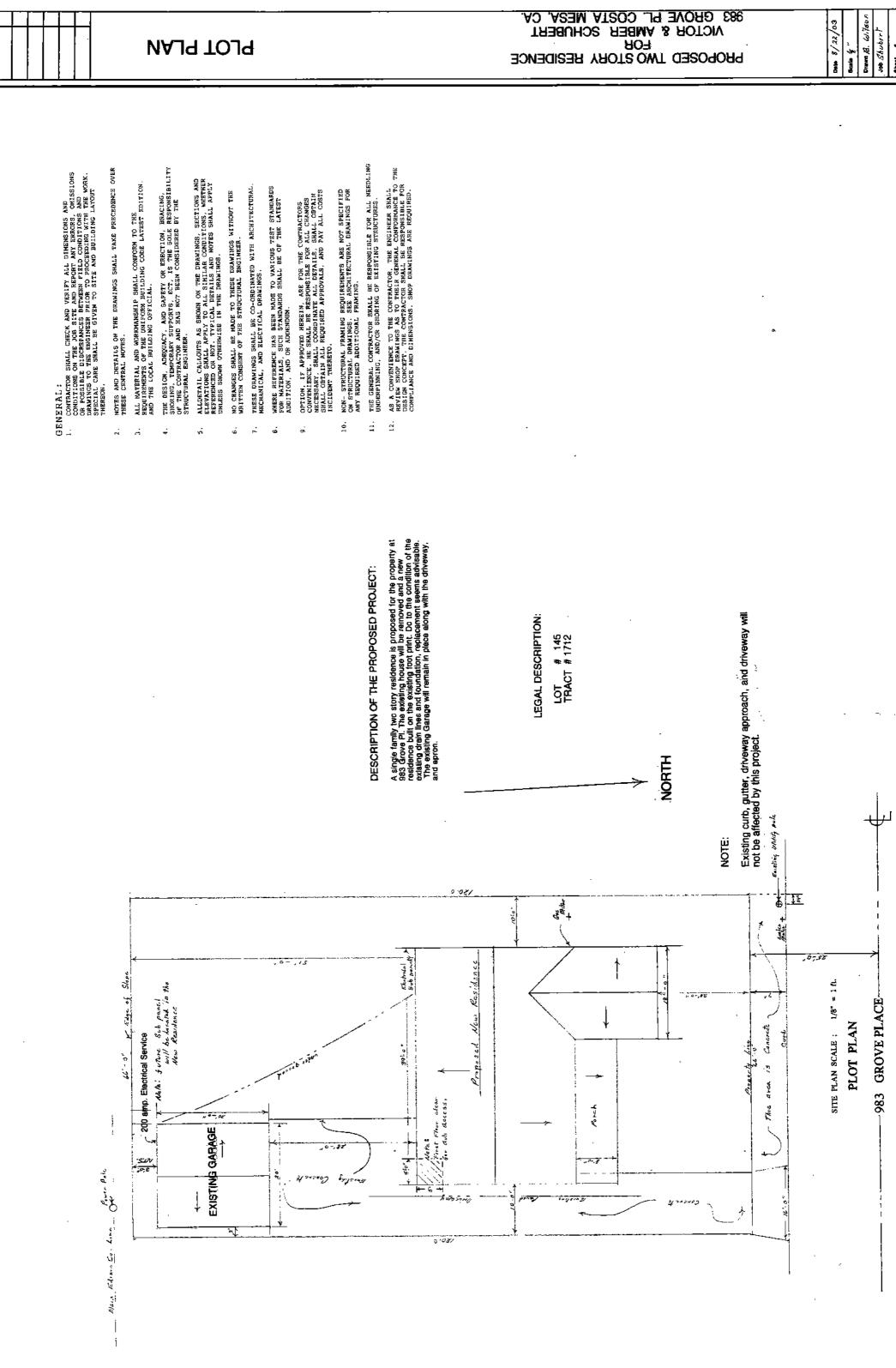
- ---States that the average set back should be 10 feet. Ours is very close- on one side it is 5 feet and on the other it is 12 feet, making the average setback (12+5)/2= 8.5 feet
- ---(C) says that the rule does not apply if it is "consistent with the prevailing two story design within the neighborhood. Bob has counted 23 homes with a similar 5 foot set back, which may be most of the two story homes in the neighborhood.

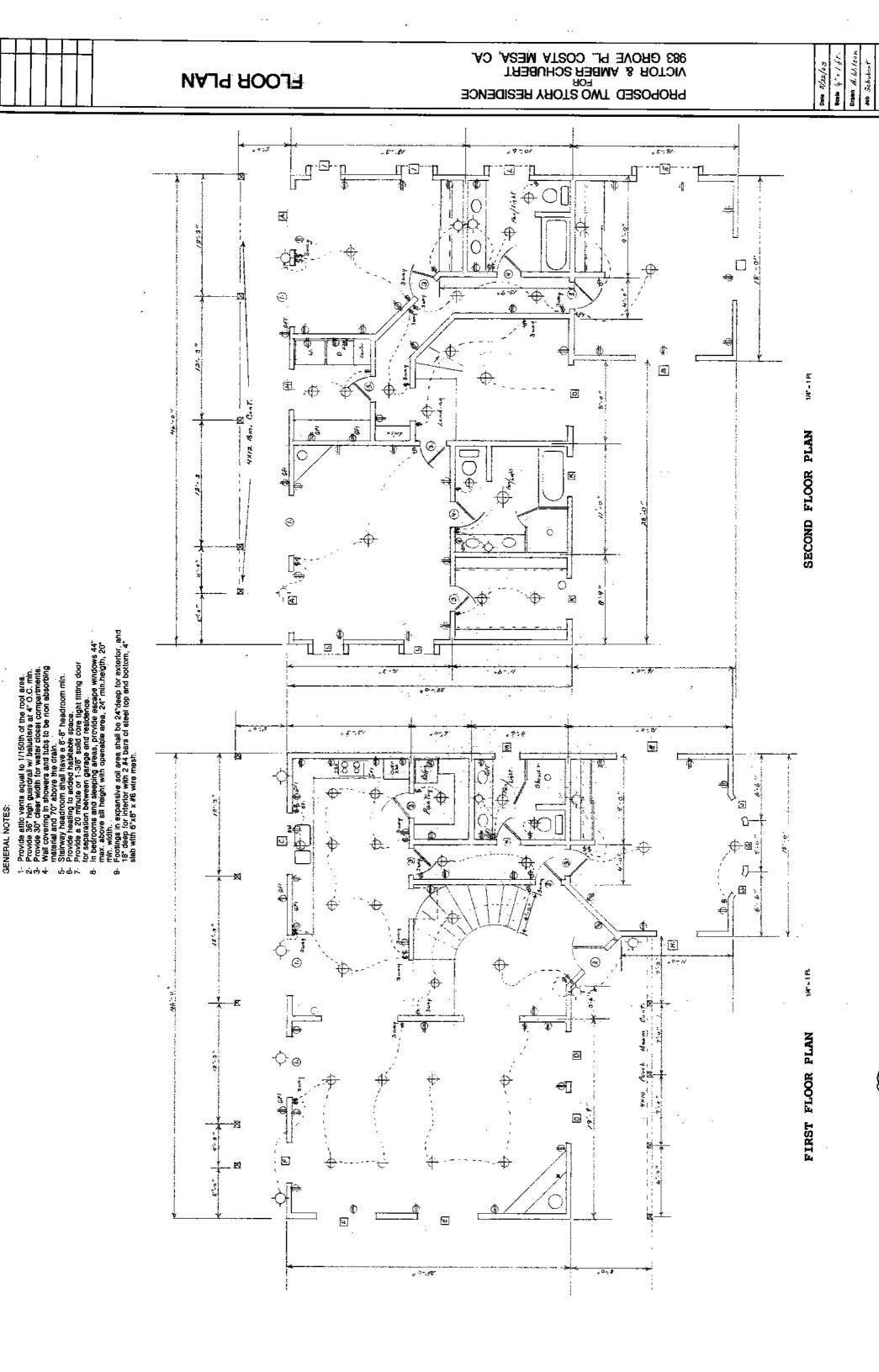
#### Paragraph 2

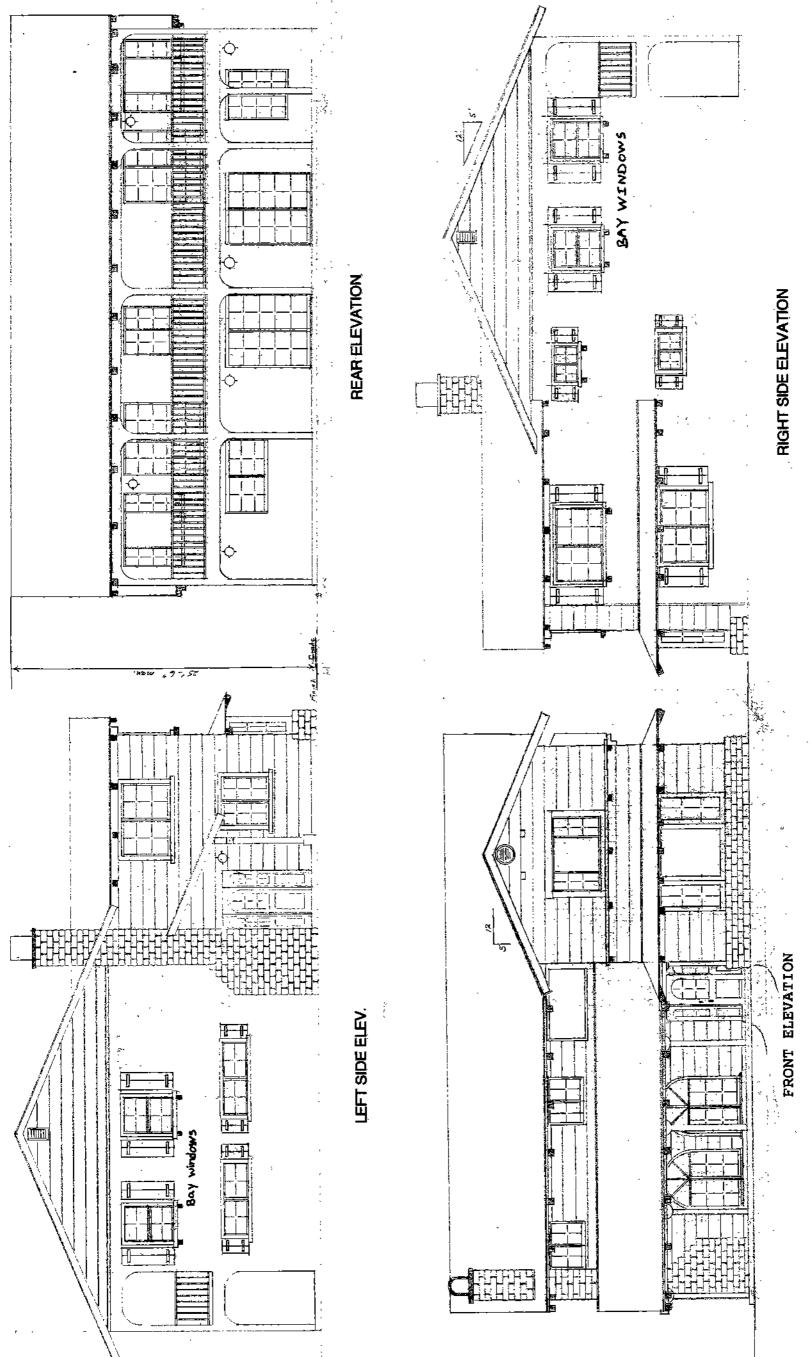
- -States that their should be visual relief on what is our "Right Side Elevation".
  - We have the following elements that they wanted:
    - varied roof forms
    - breeze way openings, in the form of the front/ back porches
    - siding
    - numerous windows
- -Further, no one can see this side
  - it is not visible by the neighbor, as his home is there
  - it is not visible from the front and back because of trees
- --- the proposed changes would cut out 5 feet from two of the children's bed rooms and bathrooms, significantly effecting the value of the new home
- the proposed changes would break up the current architectural features of a continuous front and back porch running the length of the structure











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